

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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MARVEN WAMWRIGHT,

Plaintiff,

– against –

CADLE ROCK JOINT VENTURE, LP.,
JP MORGAN CHASE,
DELSHA 721 FIFTH 45K LLC,
MARC BENHURI, MOISES KROITORO,
and BERTHA EPSTEIN,

Defendants.
-----X

Case No.: 1-13-43546

U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK
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Marven Wamwright, complaining of the defendant, CADLE ROCK JOINT VENTURE, LP., respectfully represents:

1. Defendant CADLE ROCK JOINT VENTURE, LP. exists by virtue of and under the laws of the State of New York.
2. The defendant, CADLE ROCK JOINT VENTURE, LP. in reference to the real property at issue in this case, was represented by Vlock & Associates, PC., with an address at 380 Madison Avenue, 22nd Floor, New York, NY 10017. The defendant may be served through said law firm.
3. The defendant JP Morgan Chase is a banking corporation doing business in New York and other states of the United States.
4. The defendant, JP MORGAN CHASE in reference to the real property at issue in this case, was represented by Staggs, Terenzi, Confusione & Wabnik, LLP, with an address at 401 Franklin Avenue, Suite 300, Garden City, NY 11530. The defendant may be served through said law firm.

5. The defendant DELSHA 721 FIFTH 45K LLC is a limited liability company existing by virtue of and under the laws of the State of New York, with an address at 114 East 13th Street, Front 1, New York, NY 10003 and may be served at that address.

6. The defendants MARC BENHURI, MOISES KROITORO, and BERTHA EPSTEIN are natural persons.

7. In connection with the real property at issue in this case defendants MARC BENHURI, MOISES KROITORO, and BERTHA EPSTEIN were represented by Nathaniel B. Smith, Esq. These defendants may be served through said attorney, who has an address at 111 Broadway, New York, NY 10006.

8. This adversary proceeding arises out of plaintiff's case under Chapter 13 of the Bankruptcy Code, Case No. 1-13-43546, now pending before this court.

9. This court has jurisdiction pursuant to 28 U.S.C. 157, 1334 and 11 U.S.C. 362. This is a core proceeding pursuant to 28 U.S.C. 157(b)(2).

10. The plaintiff filed a voluntary petition under Chapter 13 of the Bankruptcy Code on June 10, 2013.

11. At the commencement of the Chapter 13 case, plaintiff was a co-owner, with Imperial Capital, LLC, of a condominium unit located at 721 5th Avenue, Apt 45K, New York, NY 10022.

12. At the time of the filing of the petition under Chapter 13, the defendant CADLE ROCK JOINT VENTURE, LP. held a judgment against Mel Cooper, a co-owner of the referenced property.

13. At the time of the filing of the petition under Chapter 13, the defendants BENHURI, MOISES KROITORO, and BERTHA EPSTEIN held a judgment against Mel

Cooper, a co-owner of the referenced property.

14. The defendant Delsha 721 Fifth 45K LLC is alleged to have purchased the referenced real property.

15. A plan has not been confirmed nor a discharge entered in the Chapter 13 case.

16. The defendants, without having obtained from this court a modification of the automatic stay afforded by 11 U.S.C. 362, proceeded to sell the referenced real on October 31, 2013. Upon information and belief, the defendants have recorded a deed transferring the referenced unit in the office of the City Register of the City of New York, County of New York.

17. The property was sold for \$ 4,100,000. The value of the property was \$6,500,000. Consequently, the value for which the property was sold was grossly inadequate in view of the true value of the property.

18. The sale by the defendants was in violation of 11 U.S.C. 362, is void, and should be set aside.

WHEREFORE, plaintiff prays for a judgment of the court setting aside the transfer conducted by the defendants, cancelling the deed made at such transfer, and causing such deed to be stricken from the record of the City Register of the City of New York, and for such other and further relief as may be just.

A handwritten signature in black ink, appearing to read 'Marven Wamwright', is written over a large, empty oval shape that serves as a placeholder for a stamp or seal.

Marven Wamwright
390 Eastern Parkway Apt 5G
Brooklyn, NY 11225